

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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IN THE MATTER OF:

SEP 28 2004

BALLARD RURAL TELEPHONE
COOPERATIVE CORPORATION, INC.

PUBLIC SERVICE
COMMISSION

PSC CASE NO. 2004-00036

v.

JACKSON PURCHASE ENERGY CORPORATION

**JACKSON PURCHASE ENERGY CORPORATION'S
MOTION FOR LEAVE TO PROPOUND A SUPPLEMENTAL EXHIBIT TO ITS
RESPONSE TO THE FIRST DATA REQUEST OF COMMISSION STAFF**

Comes the defendant, Jackson Purchase Energy Corporation ("JPEC"), through counsel, and pursuant to Rule 15.04, moves for leave to propound a Supplemental Exhibit to Its Response to The First Data Request of Commission Staff. In support thereof, defendant states that it originally filed its Response on May 19, 2004. In the original Response, an Exhibit "A" was attached that detailed the number of JPEC joint use poles that held Ballard Rural Telephone attachments.

As evidenced by his attached affidavit, Richard Sherrill has conducted an in depth review of the number and location of these joint use poles and has discovered an additional 1,322 poles that were left out of the 2002 assessment, and have generated no corresponding fees to JPEC. JPEC wishes to supplement its Exhibit "A" with Richard Sherrill's affidavit as Exhibit "A1" to its Response to The First Data Request of Commission Staff.

WHEREFORE, defendant respectfully requests an order granting it leave to propound a supplemental exhibit to its Response to the First Data Request of Commission Staff.

Respectfully submitted,

DENTON & KEULER
P.O. Box 929
Paducah, KY 42002-0929
Telephone: 270.443.8253
Fax: 270.442.6000

By Walter R. Luttrull, III
W. David Denton
Walter R. Luttrull, III

ATTORNEYS FOR DEFENDANTS

I hereby certify that 10 copies of the foregoing were filed with the Public Service Commission by mailing via Federal Express to:

MR THOMAS DORMAN EXEC DIR
PUBLIC SERVICE COMMISSION
215 SOWER BLVD
P O BOX 615
FRANKFORT KY 40601

AND via facsimile transmission to:
Mr. Thomas Dorman, Executive Director,
Commission @ 502-564-3460

True and correct copies of the foregoing have been mailed to:

HON ANITA MITCHELL ATTY
PUBLIC SERVICE COMMISSION
215 SOWER BLVD
P O BOX 615
FRANKFORT KY 40602

AND via facsimile transmission to:
HON JOHN E. SELENT
DINSMORE & SHOHL LLP
1400 PNC PLAZA
500 W. JEFFERSON STREET
LOUISVILLE, KY 40202
(502) 540-2300

on this 27 day of September, 2004.


W. David Denton
Walter R. Luttrull, III

CC: Kelly Nuckols @
Jackson Purchase Energy Corporation

Exhibit A1

AFFIDAVIT OF RICHARD SHERRILL

Comes the affiant, Richard Sherrill, and after being duly sworn under oath, states and deposes as follows:

1. This affiant is employed as Vice President and a licensed Professional Engineer of Jackson Purchase Energy Corporation, which is currently involved in litigation before the Public Service Commission, in the case styled **Ballard Rural Telephone Cooperative Corporation, Inc. v Jackson Purchase Energy Corporation.**, Case No. 2004-00036.

2. This affiant states that he supplied an Exhibit "A" as an attachment to Jackson Purchase Energy Corporation's Response to First Data Request of Commission Staff, which detailed Jackson Purchase Energy Corporation's analysis of cost justifications for the rates for pole attachments proposed to Ballard Rural Telephone prior to commencement of litigation.

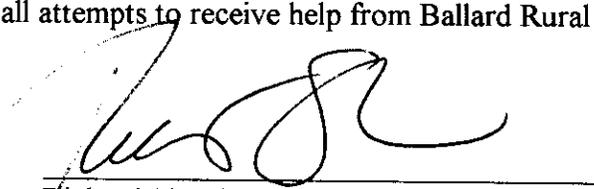
3. This affiant further states that upon a routine inspection of joint use poles following the filing of Exhibit A, he discovered an apparent discrepancy in the number of joint use poles of record and those actually existing in the field.

4. The affiant further states that upon further review and careful study that he discovered that an additional 1,322 poles owned by JPEC were joint use and held Ballard Rural Telephone attachments. Due to an apparent administrative error, these poles had not been properly categorized under the original 2002 estimate established between the parties.

5. This affiant further states that the total number of joint use poles holding Ballard Rural Telephone attachments should be revised from the Exhibit "A" estimate of 3,288 to a more accurate number of 4,620.

6. This affiant states that JPEC has not received any appropriate compensation for the extra pole attachments mentioned above, and all attempts to receive help from Ballard Rural Telephone to resolve the error have been refused.

Further, this affiant sayeth not.



Richard Sherrill, PE
Vice President- Engineer of Operations,
Jackson Purchase Energy Corporation.

STATE OF KENTUCKY)
COUNTY OF MCCRACKEN)

Subscribed, sworn, and acknowledged before me on this 17th day of September, 2004, by
Richard Sherrill.

My commission expires 12/10/05 _____
Melissa D. Galt

Notary Public, State at Large

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IN THE MATTER OF:

BALLARD RURAL TELEPHONE
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JACKSON PURCHASE ENERGY CORPORATION

**ORDER GRANTING JACKSON PURCHASE ENERGY CORPORATION'S MOTION
FOR LEAVE TO PROPOUND SUPPLEMENTAL EXHIBIT TO ITS RESPONSE TO
THE FIRST DATA REQUEST OF COMMISSION STAFF**

Jackson Purchase Energy Corporation ("JPEC"), filed a motion for LEAVE TO PROPOUND SUPPLEMENTAL EXHIBIT TO ITS RESPONSE TO THE FIRST DATA REQUEST OF COMMISSION STAFF,

After considering the motion, and being otherwise sufficiently advised, the Commission HEREBY ORDERS that:

1. Jackson Purchase's motion is granted.
2. Jackson Purchase's pleadings will be amended to reflect the supplemental affidavit provided.

Done at Frankfort, Kentucky, this ____ day of _____, 2004.

By the Commission

Attest:

Executive Director